(3) Area A–B—1.5 mm or 4 point.
(4) Area C—1.5 mm or 4 point.
(5) Area D—0.7 mm or 2 point.
(6) Area E—0.7 mm or 2 point.
(7) Area F—0.7 mm or 2 point.
(8) Area H—0.7 mm or 2 point.

These type face sizes apply to the 3.8 cm × 5.0 cm label; type face sizes for larger labels must be in the same approximate proportion to the label as those specified for the 3.8 cm × 5.0 cm label.

(c) The use of upper and lower case letters and the general appearance of the label must be similar to the example in Figure (1).

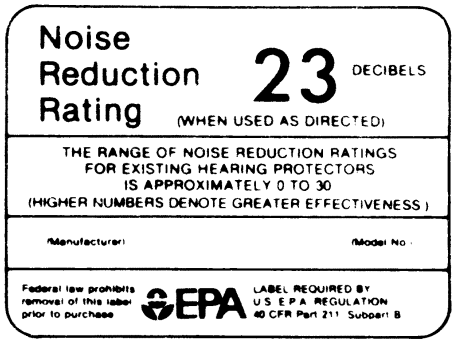

Figure - 1

(d) The color of the label must be as specified in subpart A.

[44 FR 56127, Sept. 28, 1979, as amended at 45 FR 8275, Feb. 6, 1980]

§ 211.204–3 Label location and type.

(a) The manufacturer labeling the product for ultimate sale or use selects the type of label and must locate it as follows:

(1) Affixed to the device or its carrying case; and

(2) Affixed to primary panel of the product packaging if the label complying with § 211.204–3(a)(1) is not visible at the point of ultimate purchase or the point of distribution to users.

(b) Labeling with a minimum sized label will occur as follows:

(1) If the protector is individually packaged and so displayed at the point of ultimate purchase or distribution to the prospective user, the package must be labeled as follows:

(i) If the primary panel of the package has dimensions greater than 3.8 × 5.0 cm (approximately 1½ × 2 in) the label must be presented on the primary panel.

(ii) If the primary panel of the package is equal to or smaller than 3.8 × 5.0 centimeters, a label at least 3.8 × 5.0 centimeters must be affixed to the package by means of a tag.

(2) If the protector is displayed at the point of ultimate purchase or distribution to prospective users in a permanent or disposable bulk container or dispenser, even if the protector is individually packaged within the dispenser and labeled as above, the container or dispenser itself must be labeled. The label must be readily visible to the ultimate purchaser or prospective user.

§ 211.204–4 Supporting information.

The following minimum supporting information must accompany the device in a manner that insures its availability to the prospective user. In the case of bulk packaging and dispensing, such supporting information must be affixed to the bulk container or dispenser in the same manner as the label, and in a readily visible location.

(a) The mean attenuation and standard deviation values obtained for each test frequency according to § 211.206, and the NRR calculated from those values. For "muff" type protectors with various use positions, the positions providing higher NRR values shall be identified, and their associated NRR values listed in bold type.

(b) The following statement, example and cautionary note: "The level of noise entering a person's ear, when hearing protector is worn as directed, is closely approximated by the difference between the A-weighted environmental noise level and the NRR.

Example

1. The environmental noise level as measured at the ear is 92 dBA.
2. The NRR is (value on label) decibels (dB).
3. The level of noise entering the ear is approximately equal to [92 dB(A)—NRR] dB(A).

CAUTION: For noise environments dominated by frequencies below 500 Hz the C-weighted environmental noise level should be used."

(c) The month and year of production, which may be in the form of a serial number or a code in those instances where the records specified in § 211.209(a)(1)(iv) are maintained;

(d) The following statement: "Improper fit of this device will reduce its effectiveness in attenuating noise. Consult the enclosed instructions for proper fit";

(e) Instructions as to the proper insertion or placement of the device; and

(f) The following statement: "Although hearing protectors can be recommended for protection against the harmful effects of impulsive noise, the Noise Reduction Rating (NRR) is based on the attenuation of *continuous* noise and may not be an accurate indicator of the protection attainable against *impulsive* noise such as gunfire."

[44 FR 56127, Sept. 28, 1979, as amended at 45 FR 8275, Feb. 6, 1980]

§ 211.205 Special claims.

(a) Any manufacturer wishing to make claims regarding the acoustic effectiveness of a device, other than the Noise Reduction Rating, must be prepared to demonstrate the validity of such claims.

(b) [Reserved]

[44 FR 56139, Sept. 28, 1979, as amended at 47 FR 57716, Dec. 28, 1982]

§ 211.206 Methods for measurement of sound attenuation.

§ 211.206–1 Real ear method.

(a) The value of sound attenuation to be used in the calculation of the Noise Reduction Rating must be determined according to the "Method for the Measurement of Real-Ear Protection of Hearing Protectors and Physical Attenuation of Earmuffs." This standard is approved as the American National Standards Institute Standard (ANSI STD) S3.19–1974. The provisions of this standard, with the modifications indicated below, are included by reference in this section. Copies of this standard may be obtained from: American National Standards Institute, Sales Department, 1430 Broadway, New York, New York 10018.

(b) For the purpose of this subpart only, sections 1, 2, 3 and appendix A of the standard, as modified below, shall be applicable. These sections describe the "Real Ear Method." Other portions of the standard are not applicable in this section.

(1) The sound field characteristics described in paragraph 3.1.1.3 are "required."

(2) Sections 3.3.2 and 3.3.3 shall be accomplished in this order during the same testing session. Any breaks in testing should not allow the subject to engage in any activity that may cause a Temporary Threshold Shift.

(3) Section 3.3.3.1(1) shall not apply. Only "Experimenter fit" described in Section 3.3.3.1(2) is permitted.

(4) Section 3.3.3.3 applies to all devices except custom-molded devices. When testing custom-molded devices, each test subject must receive his own device molded to fit his ear canal.

[44 FR 56139, Sept. 28, 1979, as amended at 45 FR 8275, Feb. 6, 1980]

§ 211.206–2 Alternative test data.

(a) In lieu of testing according to § 211.206–1, manufacturers may use the latest available test data obtained according to ANSI STD Z24.22–1957 or ANSI STD S3.19–1974 to determine the mean attenuation and standard deviation for each test frequency and the NRR calculated from those values. Manufacturers whose data is based on the ANSI STD Z24.22–1957 measurement procedure must state in the supporting information required by § 211.204–4 that the mean attenuation and standard deviation values used to calculate the NRR are based on ANSI STD Z24.22–1957.

(b) Manufacturers who initially use available data based on ANSI STD Z24.22–1957 must retest within one year of the effective date of this regulation (by September 27, 1981) the affected categories of hearing protectors in accordance with § 211.206–1 of the regulation, and must relabel those categories as necessary.

(c) Manufacturers who use available data based on ANSI STD S3.19–1974 are not required to retest the affected categories of hearing protectors.

(d) If a manufacturer has both ANSI STD S3.19–1974 test data and ANSI STD Z24.22–1957 test data on a hearing protector category, that manufacturer